

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA

CRISTIAN M'BAGOYI, :  
Petitioner : CIVIL ACTION NO. 19-1717  
v. : (JUDGE MANNION)  
WILLIAM P. BARR, et al., :  
Respondents :

**ORDER**

In accordance with the memorandum issued this same day, **IT IS  
HEREBY ORDERED THAT:**

- (1) The Petition for Writ of Habeas Corpus and Complaint for Declaratory and Injunctive Relief (**Doc. 1**) is **GRANTED IN PART AND DISMISSED IN PART**. To the extent that the petitioner seeks relief related to the exhaustion of his motion to reopen his immigration proceedings, the petition and complaint is **DISMISSED** for the court's lack of jurisdiction. To the extent that the petitioner seeks relief related to the exhaustion of the provisional waiver process, the petition and complaint (**Doc. 1**) is **GRANTED**.
- (2) The respondents are **DIRECTED TO STAY REMOVAL** of the petitioner from the United States until he exhausts his right to complete the process of obtaining an unlawful presence waiver. The stay of removal is effective until the

occurrence of one of the following events<sup>1</sup>:

- (a) Denial of his Application for Permission to Reapply for Admission (Form I-212);
- (b) Denial of his Application for Provisional Unlawful Presence Waiver (Form I-601A); or
- (c) Approval of Forms I-212 and I-601A.

(3) The respondents are **DIRECTED TO RELEASE** the petitioner from custody while the stay of removal is effective.

(4) Upon his release from custody, the petitioner is **DIRECTED** to expeditiously pursue exhaustion of his waiver remedies.

*s/ Malachy E. Mannion*  
**MALACHY E. MANNION**  
**United States District Judge**

**Date: October 24, 2019**

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<sup>1</sup>In the provisional waiver process, an immigrant is granted a provisional waiver only if *each* of the forms are approved. In this case, the petitioner's Form I-130 has already been approved. Therefore, he has satisfied the first step of the provisional waiver process. The petitioner needs, however, to proceed through and be granted relief at each of the next two steps of the process in order to be granted a provisional waiver. If he is denied at either of these steps, the process will be complete.